



# California Integrated Waste Management Board

ATTACHMENT 3



Daniel G. Pennington, Chairman

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JUN 19 1998

Oxford Tire Recycling of Northern California, Inc.  
P.O. Box 969  
Westley, California 95387-0969  
Attention: Mark R. Kirkland, President

**SUBJECT: Review Comments Regarding the Closure Plan for Oxford Tire Recycling of Northern California, Inc, Stanislaus County, No. 50-TI-0010**

Dear Mr. Kirkland:

On May 13, 1998, the California Integrated Waste Management Board (CIWMB) received a copy of a Closure Plan (Form CIWMB 504) submitted by Oxford Tire Recycling of Northern California, Inc (Oxford). The Closure Plan was accompanied by a letter of the same date from Mr. Michael Byrne. This Plan was prepared in response to Cleanup and Abatement Order No. 98-26 (Order) issued to Oxford by the CIWMB.

The Order stated that Oxford was to submit a complete and correct Closure Plan based on the conditions contained in the Order and the requirements of the Waste Tire Facility Permitting Regulations (Regulations), Chapter 6, Division 7, Title 14 of the California Code of Regulations. Based on staff's review, the Closure Plan submitted by Oxford does not meet the above requirements of being complete and correct. Following are staff's comments:

1. Third Party Cost Estimate - Part A of Form CIWMB 504 states that the written closure cost estimate shall be based on the cost of hiring a third party to close the major waste tire facility. Oxford's cost estimate, however, is based on using Oxford's personnel and related resources. Mr. Byrne stated that because Oxford signed an agreement with the CIWMB (OTR/CIWMB Tire Pile Agreement) to diligently remediate the site within 14 months, it is not appropriate for Oxford to fund a closure mechanism for a third party to clean up the site. This statement is contrary to Section 15 of the OTR/CIWMB Tire Pile Agreement, which states in part "Nothing in this Agreement shall limit the Board's powers, rights or remedies with respect to the OTR Permit...".

**Oxford shall provide a closure cost estimate based on the cost of hiring a third party to close the facility.**

2. Basis of Waste Tire Estimate - The Order states that if Oxford chooses to use a tonnage estimate different from staff's February 1998 estimate of 74,000 tons that "Oxford shall provide a detailed technical basis for its estimate." Oxford estimated 32,000 tons remaining at the site but provided no technical basis for this figure. (Oxford's basis is the Board's 1995 estimate of 72,000 tons, less the 40,000 tons burned by Modesto Energy Limited Partnership (MELP). Based on current data Board staff no longer believes that the 1995 estimate is accurate.)

(Mr. Byrne stated in his May 13 letter that his request for the technical basis of the CIWMB's February 25, 1998 tire pile estimate went unanswered. CIWMB staff did, however, provide Oxford a copy of the information that was used to generate the CIWMB staff estimate presented at the February 25, 1998 Board Meeting. The information request was provided to Oxford on March 9, 1998, pursuant to a Public Records Act request.)

**Oxford shall provide a detailed technical basis for its estimate of 32,000 tons remaining at the site.**

3. Destination Charge Guarantee - Oxford provided a destination charge at the Altamont Landfill for which Oxford has the sole contract for delivering and processing waste tires. In order for this rate to be accepted as part of the closure cost estimate, a guarantee to CIWMB of the disposal fee, or tip fee, for the disposal of the entire amount of the waste tires at the Oxford facility is necessary. This guarantee shall remain in effect until the stockpile has been eliminated. This guarantee shall not be dependent upon Oxford delivering or processing waste tires at Altamont. (Oxford provided the CIWMB with a similar guarantee from MELP in 1996 when Oxford was using MELP as its final destination facility in Oxford's Closure Plan.)

**Oxford shall provide a letter from the operator of the Altamont Landfill guaranteeing the CIWMB a disposal fee, or tip fee, for the disposal of the entire amount of the waste tires at the Oxford facility.**

4. Oversized Tires - Oxford's Closure Plan states that a "primary shredder," which includes some waste tires larger than 52 inches in diameter, can accommodate 95 percent of the waste tires in the stockpile. The Board staff estimated in 1998 that one-third (33 percent) of Oxford's waste tires are larger than 52 inches in diameter (the largest diameter tire that can be burned by MELP).

**Oxford shall provide a frequency distribution estimate of tires in excess of 52 inches in diameter and the capacity and specifications of the proposed primary shredder to process oversized tires.**

Oxford's Closure Plan indicates that Oxford will segregate the non-shreddable waste tires from the stockpile as they are encountered and will stockpile these oversized tires for 12 months. This proposal is contrary to Condition 18 of Oxford's Major Waste Tire Facility Permit.

**Oxford's Closure Plan shall state that Oxford shall process and dispose of all waste tires as they are encountered in the stockpile.**

The Order instructed Oxford to break out the costs for the processing and disposal of the oversized tires; however, Oxford's closure cost estimate does not provide this information.

**Oxford shall provide a detailed breakout of the costs for the processing and disposal of the oversized tires at the site.**

5. Retrieval and Shredding Costs – Oxford has provided a cost for a four-man crew and a shredder. No cost was assigned to loading the trucks because a conveyor from the shredder would discharge into the top of the trailers. However, no cost has been associated with retrieving waste tires from the stockpile. In addition, the cost of leasing or renting a shredder needs to be itemized, e.g., basic rental charge, tax, equipment maintenance, and fuel.

**Oxford shall provide an estimate of the cost of retrieving waste tires from the stockpile, including equipment and personnel, and a detailed breakout of the cost of renting a shredder for the duration of the project.**

6. Mileage – The Closure Plan indicates that the roundtrip mileage from Oxford to Altamont Landfill is 42 miles; however, staff's odometer indicates a 60-mile round trip.

**Oxford shall provide a true and correct estimate of the roundtrip mileage to the Altamont Landfill.**

7. Responsibility for Tires South of the PD-91 Boundary – Mr. Byrne's letter states "The Clean Up and Abatement Order includes tires that are south of our leased property and are not our responsibility." Page two of the Order states in part "...but excluding waste tires stored to the south of PD-91 and in the Tire Delivery Area...".

**Waste tires stored south of the PD-91 boundary need not be included in the closure plan.**

8. Milestones – The Order stated that the Closure Plan shall include milestones for the removal of waste tires over the 14-month period; however, Oxford's Closure Plan contained no milestones.

Mr. Byrne stated that he would like to work out an arrangement whereby the progress of remediation is gauged by volume rather than weight as provided in the Order.

Oxford shall provide milestones for the removal of tires over the 14-month period. The milestones may be based either on weight of tires transported out of the facility, or specific areas where tires shall be removed and transported out of the facility.

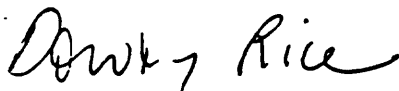
9. Sequencing of Cleanup - Mr. Byrne stated that the order of the cleanup should be the sole decision of the site operator and owner. Permit Condition No. 20 states that any waste tires added to or removed from the permitted area shall be added to or removed from locations specified by the Board in consultation with the West Stanislaus County Fire Protection District.

**Oxford shall provide a sequencing plan showing the order in which the various areas of the facility shall have tires removed.**

Oxford shall have until July 10, 1998, to address the above concerns and submit a complete and correct Closure Plan pursuant to the Order. Board staff will schedule a public hearing of the matter of Oxford's compliance with the requirements of Cleanup and Abatement Order No. 98-26 at the regularly scheduled meeting of the Board on July 29, 1998.

Staff is available to discuss the above comments. If you have any questions please contact me at (916) 255-2431 or Tom Micka at (916) 255-2361.

Sincerely,



Dorothy Rice  
Deputy Director  
Permitting and Enforcement Division

CC: Mr. Ed Filbin